

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

JESUS SANTIAGO, :

Plaintiff, :

-against-

:

**DEFENDANTS' NOTICE OF  
MOTIONS IN LIMINE**

CUOMO, et al., :

Defendants.

----- X

PLEASE TAKE NOTICE that, upon the accompanying Defendants' Memorandum of Law in Support of Their Motions in Limine, the Declaration of Michael J. Keane, dated July 13, 2022, together with all the pleadings and proceedings heretofore had herein, defendants Brian Fischer, Anthony Annucci and Terrence Tracy, by their attorney, LETITIA JAMES, Attorney General of the State of New York, will move this Court, before the Honorable Kiyo A. Matsumoto, United States District Judge, at the United States Courthouse, 225 Cadman Plaza, Brooklyn, New York, on such date as may be set by the Court, for an order in limine under the Federal Rules of Evidence governing the admission of certain evidence for trial, and also for certain limiting instructions to be presented to the jury at trial, as follows:

- (1) to preclude Plaintiff from offering speculation that he would have been relieved of PRS or at liberty, given Penal Law §70.45 and his sentences imposed by courts in the federal system and in the State of Virginia;
- (2) to permit Defendants to introduce evidence as to Penal Law §70.45 and Plaintiff's sentences imposed by courts in the federal system and in the State of Virginia;

- (3) to permit Defendants to argue that they were not the cause of any damages Plaintiff claims, and to introduce evidence of the positions taken by District Attorneys and State courts as to PRS;
- (4) to permit Defendants to introduce evidence that Plaintiff would have been incarcerated or would have been serving terms of supervision in any event, even if Plaintiff had not been serving PRS in New York;
- (5) to permit Defendants to offer evidence of Plaintiff's criminal and parole history, including Plaintiff's criminal convictions and parole violations in New York, Virginia and the federal system; and
- (6) to require Plaintiff to bear the burden of proof that his life would have been different had he been resentenced at an earlier date.

PLEASE TAKE FURTHER NOTICE, that pursuant to prior Court order, answering papers, if any, must be served upon the Defendants pursuant to the Court's orders.

Dated: New York, New York  
July 13, 2022

Yours, etc.,

LETITIA JAMES  
Attorney General of the  
State of New York  
Attorney for Defendants  
By:

\_\_\_\_\_  
/s

MICHAEL J. KEANE  
Assistant Attorney General  
28 Liberty Street-18th Floor  
New York, New York 10005  
(212) 416-8550

TO: Robert Rickner, Esq.